

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 26th Day of May 1998

BEFORE

THE HON'BLE MR. JUSTICE CHANDRASHEKARAIAH

WRIT PETITION NO.961/1997

Between:

1. Sri.V.R.Joshi,
S/o.Late Ramakrishna Joshi,
R/o. No.188/A, Baggon village,
Kumta Tq.,
U.K.Dist.
2. Shri.Govind A. Hegde,
S/o.Late Ananth Hegde,
R/o.Baggon, Kumta,
U.K.Dist.,
3. Kuppayya Ranga Hegde,
Major,
R/o.Baggon,
Kumta Tq.,
U.K.Dist.,
4. Sri. G.R.Bhat,
Major,
R/o.No.188/2,
Baggon, Kumta,
U.K.Dist.
5. Smt.Uma V.Joshi,
W/o.V.R.Joshi,
R/o.Baggon,
Kumta, U.K.Dist.,

...PETITIONERS

(By Sri.Vishnu D.Bhat, Adv.)

And:

1. State of Karnataka,
by Secretary to Government,
Environment , Exology &
Forest Department,
Vidhana Soudha,
Bangalore-1.

2. The Karnataka State Pollution Control Board, Bangalore, by its Member Secretary.
3. The Deputy Commissioner, Uttara Kannada, Karwar,
4. The Chief Officer, Town Municipality, Kumta, U.K.Dist.,
5. Smt. Jayashree Vinayak Kodlakere, W/o. Vinayak Kodlakere, R/o. Prabhu Building, Near Welcome Hotel, Heravatta, Kumta, U.K.Dist.,

...RESPONDENTS

(By Sri. K. Nagaraja, HCGP for R-1, 3 & 4
Sri. S. G. Kulkarni, Adv. for R-2,
Sri. Ravi G. Sabhahit, Adv. for R-4 & 5)

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This Writ Petition is filed under Article 226 of the Constitution of India with a prayer to quash Annexure-F dt. 18.5.96 by R-4 in favour of R5 granting permission to construct a cashew nut factory in Sy. No. 188/3 of Baggon, Kumta Ta. U.K.Dist.

This Writ Petition coming on for Preliminary Hearing in 'B' Group this day, the Court made the following:

O_R_D_E_R

The petitioners are the residents of Kumta Taluk. On the application filed by respondent No. 5, the Town Municipality, Kumta granted the

licence permitting him to establish cashew roasting unit. This licence is under challenge in this Writ Petition.

2. The learned Counsel for the petitioners submitted that they are owning and residing in the house just by the side of the site where respondent No.5 is permitted to establish the cashew roasting unit. According to the petitioner, if the respondent no.5 is allowed to establish an industry in a residential area, it would cause nuisance to the neighbourers and results in pollution of ^{air} ~~the~~ area. The Town Municipality Council has not considered this aspect of the matter before granting the licence. Therefore in my opinion, the matter requires re-consideration by the Town Municipal Council. If the petitioner has not filed any objections, objecting the grant of licence, it is open for the petitioner to file objection to the Municipality within one month from to-day.

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3. If such objections are filed, the Municipal Council shall consider the same after due notice to all the parties concerned. In the result, I pass the following order.

The Writ Petition is allowed. The licence granted in favour of respondent No.5 as per Annexure 'F' is quashed. The matter is remitted to the Town Municipal Council to dispose of the matter afresh in the light of the observation made above after due notice to all the parties concerned.



Sd/-
JUDGE

sps/*